

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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CHEESE SYSTEMS, INC.,

Plaintiff,

v.

Civil Action No. 11-cv-21

TETRA PAK CHEESE AND  
POWDER SYSTEMS, INC. and  
TETRA LAVAL HOLDINGS &  
FINANCE S.A.,

Defendants,

CUSTOM FABRICATING AND REPAIR, INC.

Third Party Defendant.

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**CHEESE SYSTEMS, INC. AND CUSTOM FABRICATING & REPAIR, INC.'S  
PROPOSED VERDICT FORM**

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**Instructions:** When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to the subject matter covered by each question.

**QUESTIONS AND ANSWERS**

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

## **DAMAGES**

### **Lost Profits on Sales of Patented Product**

1. Has Tetra Pak proven by a preponderance of the evidence that it is entitled to lost profits for the infringement of the '347 patent?

Yes\_\_\_\_\_ No \_\_\_\_\_

2. If you answered "yes" to question 1, what is the amount of lost profit that Tetra Pak has proven by a preponderance of the evidence?

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### **Reasonable Royalty**

3. Answer this question regardless of how you answered the preceding questions. What amount has Tetra Pak proven by a preponderance of the evidence to be a reasonable royalty to compensate it for the infringement of the '347 patent?

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## **WILLFULNESS**

4. Has Tetra Pak proven by clear and convincing evidence that Cheese Systems, Inc. and Custom Fabricating & Repair, Inc.'s conduct was objectively reckless, that is, that they proceeded with the infringing conduct despite an objectively high likelihood that it was infringing a valid patent?

Yes\_\_\_\_\_ No \_\_\_\_\_

5. If you answered “yes” to question 4, has Tetra Pak proven by clear and convincing evidence that Cheese Systems, Inc. and Custom Fabricating & Repair, Inc.’s actually knew, or it was so obvious that they should have known, that their actions constituted infringement of a valid patent?

Yes \_\_\_\_\_ No \_\_\_\_\_

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the marshal that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: March \_\_\_\_\_, 2014

By: \_\_\_\_\_ Presiding Juror